

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2018 AUG -3 PM 2: 56

DEPUTY CLERK 

UNITED STATES OF AMERICA

v.

NO. 3:18-CR-287-N

ERICA MCCOY

FACTUAL RESUME

In support of Erica McCoy's plea of guilty to the offense in Count Two of the indictment, McCoy, the defendant, Scottie Allen, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Two of the indictment, charging a violation of 18 U.S.C. § 2244(a)(4), that is, abusive sexual contact, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly engaged in or caused sexual contact with D. E. as charged in the indictment;
- Second.* At the time, D. E. was in official detention at the Federal Correctional Institute at Seagoville, Texas;
- Third.* At the time, D. E. was under the custodial, supervisory, or disciplinary authority of the defendant; and
- Fourth.* That the defendant's actions took place in a federal prison of the United States in which persons are held in custody by direction of the Attorney General or pursuant to the agreement with the head of a Federal department or agency.

¹ Fifth Circuit Pattern Jury Instruction 2.82D (5th Cir. 2015).

STIPULATED FACTS

1. Erica McCoy admits and agrees that beginning on or about October 6, 2017, and continuing to on or about February 8, 2018, the exact dates being unknown, in the Dallas Division of the Northern District of Texas, Erica McCoy did knowingly engage and cause sexual contact with D. E. who at the time was in official detention at the Federal Correctional Institute at Seagoville, Texas, and under the defendant's custodial, supervisory, and disciplinary authority, to wit: McCoy touched D. E.'s genitalia with the intent to abuse, humiliate, harass, degrade, arouse, and gratify the sexual desire of a person, in violation of 18 U.S.C. § 2244(a)(4).

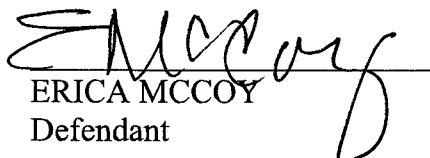
2. The Federal Correctional Institute at Seagoville, Texas, (FCI Seagoville) is a Federal Bureau of Prisons (BOP) low-security correctional institution located in Seagoville, Texas. FCI Seagoville houses inmates serving federal custody sentences under the direction of the Attorney General. During the relevant time period, Erica McCoy worked at FCI Seagoville as unit secretary but was cross-trained as a guard. As such, McCoy held supervisory, custodial, and disciplinary authority over the inmates housed at FCI Seagoville.

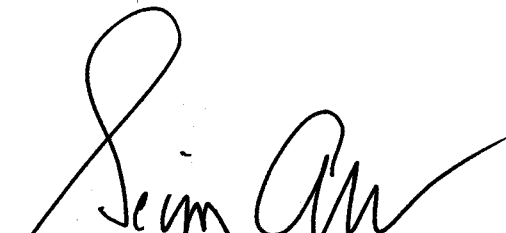
3. D. E. was an inmate at FCI Seagoville. In the summer of 2017, D. E. met McCoy while he was cleaning the carpet in McCoy's office. At the time, McCoy was by herself and they developed a relationship. Over the next several months, D. E. visited McCoy at her office while she was alone, and during that time, they had sex, including contact between the mouth and penis.

4. McCoy agrees that she committed the essential elements of the offense.


This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Two of the indictment.

AGREED TO AND STIPULATED on this 31st day of July, 2018.


ERICA MCCOY
Defendant


SCOTTIE ALLEN
Attorney for Defendant

ERIN NEALY COX
UNITED STATES ATTORNEY


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